



Practitioner's Docket No. U 013043-1

3764
B *N*
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Peter J. BURNS**

Serial No.: 09/719,058

Group No.: 3764

Filed: February 7, 2001

Examiner: Michael A. Brown

Confirm. No. 5045

For: **MOUTHGUARD**

MAIL STOP ISSUE FEE

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.

NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate."

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. 1.10*

- ☐ as "Express Mail Post Office to Address"
Mailing Label No. _____ (**mandatory**)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 3, 2003

[Signature]
Signature

JULIAN H. COHEN

(type or print name of person certifying)

2. Applicant

A. Asserted small entity status in this application by

☒ payment of the basic filing or national fee as a small entity (37 C.F.R. § 1.27(c)(3)) or

☐ submission of a written assertion of small entity status (37 C.F.R. § 1.27(c)(1))

It is confirmed that small entity status for this application has been checked, is still in effect and is being asserted.

☐ An "ASSERTION OF SMALL ENTITY STATUS" signed by an appropriate party as required by 37 C.F.R. § 1.27(c)(2) is attached.

WARNING: "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

(complete the following, as applicable)

B. ☐ Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

☐ A "NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY" signed by an appropriate party is attached.

☐ Applicant has not asserted small entity status.

3. Fee (37 C.F.R. 1.18(a) and (b)):

Application status is:

☒ small business entity—fee

☐ other than a small entity—fee

☐ Publication Fee

Regular

☒ \$ 665.00

☐ \$1,330.00

☐ \$ 300.00

Design

☐ \$240.00

☐ \$480.00

4. Payment of fee:

☒ Enclosed please find check for \$ 665.00.

☒ Charge Account 12-0425 for any fee deficiency.

☐ Charge Account _____ the sum of \$ _____.

A duplicate of this request is attached.

Reg. No: 20,302

Tel. No.: 212-708-1887

Customer No.:


SIGNATURE OF PRACTITIONER

JULIAN H. COHEN

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry
26 West 61 Street
New York, N.Y. 10023



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Peter J. BURNS

Serial No.: 09/719,058

Group No.: 3764

Filed: February 7, 2001

Examiner: Michael A. Brown

Confirm. No. 5045

For: MOUTHGUARD

MAIL STOP ISSUE FEE

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

IN THE DRAWINGS

Attached are replacement sheets of Figures 1-31 to meet the Draftsperson's objections.

Respectfully submitted,

JULIAN COHEN
c/o LADAS & PARRY
26 WEST 61st STREET
NEW YORK, N.Y. 10023
Reg. No. 20302 (212) 708-1887

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

JULIAN H. COHEN

(Type or print name of person mailing paper)

Date: October 3, 2003

(Signature of person mailing paper)